

DF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
MICHAEL LEONE, on behalf of himself and
all others similarly situated,

Plaintiff,

- against -

VIKING COLLECTION SERVICE, INC.,

Defendant.
-----X

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
★ DEC 08 2009 ★

LONG ISLAND OFFICE

Case No. 08-CV-4549 (TCP) (ETB)

**STIPULATION OF
DISCONTINUANCE**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned
counsel for the parties on behalf of their respective clients, that pursuant to Rule 41, this action
shall be, and hereby is, dismissed with prejudice and without costs to either party. Any claims of
any putative class members are dismissed without prejudice.

Dated: New York, New York
December 7, 2009

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

By: /s/
Jeffrey J. Imeri (JI 3938)


Attorneys for Defendant
The Graybar Building
140 Broadway, 19th Floor
New York, NY 10005
(212) 878-1700

/s/

Adam J. Fishbein, Esq. (AF 9508)

Attorney for Plaintiff
483 Chestnut Street
Cedarhurst, NY 11516
(516) 791-4400

SO ORDERED:



Hon. Thomas C. Platt, U.S.D.J.

Dated: *December, 2009*